GOVERNMENT OF KARNATAKA

SOCIAL WELFARE AND LABOUR SECRETARIAT

Labour Dispute.—Industrial dispute between the workmen and the management of K. R. Puttappa Silk Factory, No. 63, Siddanna Lane, Bangalore-2.

Award of the Presiding Officer, Labour Court, Bangalore—Published.

Read the following papers.

(1) Letter No. 1942/74-75, dated 18th February 1975, from Shri P. Srinivasacharya, Presiding Officer, Labour Court, Bangalore.

BEFORE THE PRESIDING OFFICER, LABOUR COURT, BANGALORE.

Dated this 18th day of February 1975

PRESENT :

Shri P. Srinivasacharya, B.A., LL.B.,

Presiding Officer.

REFERENCE No. 91 OF 1974

First Party—

M. P. Srinivas, Weaver, represented by the President, Akhila Karnataka Powerloom and Handloom Karmikara Sangha, No. 11, Joripet, Chikkannamma Temple Lane, Bangalore-2.

Vs.

Second Party—

The Management of K. R. Puttappa Silk Factory, No. 63, Siddanna Lane, Bangalore-2.

Reference—

Government Order No. SWL 119 LLD 74, dated 9th June 1974.

AWARD

1. The Government of Karnataka in their Order No. SWL 119 LLD 74, dated 9th June 1974 have referred an industrial dispute existing between the above named parties to this Court for adjudication on the points of dispute noted below :—

"Are the Management of K. R. Puttappa Silk Factory, No. 63, Siddannagalli, Bangalore-2, justified in refusing Sri M. P. Srinivas, Weaver, to resume work with effect from 5th February 1973 ?

If not, to what relief is the said workman entitled ?"

2. On receipt of the reference it was registered as Reference No. 91 of 1974 and notices were issued to the parties which were duly served on them. On the first hearing date, i.e., 15th July 1974, first party was present and prayed for time to file claim statement. On that day second party was represented by Sri Rajagopal, advocate. Thereafter first party remained absent throughout the proceedings and did not file his claim statement. The second party filed their statement on 25th November 1974, examined one witness (M.W. 1) on 21st January 1975 and on 10th February 1975 arguments were heard and the case was posted for award.

3. The second party in their statement filed on 25th November 1973 has stated that the demand of the first party workman was for the first time raised before the Conciliation Officer on 21st February 1973 and till today no such demand or dispute had been raised with the second party management. It is well settled that a mere demand on the Government without a dispute being raised first by the workman with the employer regarding the dtmand, is not an industrial dispute within the meaning of that terms as defined in the Industrial Disputes Act, 1947 and therefore reference was bad in law and is liable to be rejected.

4. M.W. 1 is one K. R. Puttappa, Proprietor of the second party. His evidence is to the effect that first party was working for sometime and abandoned the service. First party workman's total service may come to about 1½ years and was getting about Rs. 40 to 45 per week. Before approaching the Labour and Conciliation Officer first party had not raised any direct demand with him either for reinstatement or compensation. He had sent a letter to the Conciliation Officer as per Ex. M. 1 in which he had stated that he was prepared to take first party on duty at any time. The worker had demanded for Rs. 50 advance which he refused to pay. The first party workman voluntarily abandoned service and did not turn up for work. He had never refused any work. He prays that the reference be rejected.

5. First Party has absented himself and has not evinced any interest. There is no reason to disbelieve the version of the second party that when employer refused to pay an advance of Rs. 50 first party voluntarily abandoned the services and that the second party never refused any work. The further defence taken by the second party is that since the first party has not raised any direct demand with the employer for either reinstatement or compensation, this reference is fit to be rejected. In support of this contention, reliance was placed upon the observations of the Supreme Court in Sindhu Resettlement Corporation. Ltd., *Vs.* Industrial Tribunal, Gujarat and others (reported in 1968 I LLJ 834), which reads as follows :—

"A mere demand to a Government without a dispute being raised by the workmen with their employer cannot become an Industrial dispute."

If the first party had not raised any direct demand for reinstatement or compensation with the second party, the reference is fit to be rejected. In this case, the first party did not evince any interest and the version of the second party stands unrebutted. In the circumstances, the reference is fit to be rejected.

6. In the result, I pass an award rejecting the reference. No costs.

P. SRINIVASACHARYA,
Presiding Officer,
Labour Court, Bongalore.

"Copy"

P. Srinivasacharya,
Presiding Officer,
Labour Court, Bangalore.

Order No. SWL 49 LLA 75,

Bangalore, dated the 5th March 1975.

S. O. 1046.—

WHEREAS by State Government Order No. SWL 119 LLD 74, dated 9th June 1974 the Industrial Dispute between the workmen and the management of K. R. Puttappa Silk Factory, No. 63, Siddanna Lane, Bangalore-2, was referred to the Labour Court, Bangalore, for adjudication.

AND WHEREAS the Labour Court, Bangalore, has submitted to the State Government its award in respect of the said Industrial Dispute.

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Government of Karnataka are pelased to direct the publication of the said award as above in the *Karnataka Gazette.*

By Order and in the name of the Governor of Karnataka,

K. MYLARAPPA,
Under Secretary to Government,
Social Welfare and Labour Department.